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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,851	08/21/2003	Avraham Ron Schlank	03630.000083.2	6145
5514	7590	03/07/2007	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			DULANEY, BENJAMIN O	
			ART UNIT	PAPER NUMBER
			2625	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/07/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/644,851	SCHLANK ET AL.	
	Examiner	Art Unit	
	Benjamin O. Dulaney	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 December 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 21-25 and 27 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 21-25 and 27 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892). | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/27/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 12/12/06 have been fully considered but they are not persuasive.

Regarding claim 21 and Applicant's argument that Sharma does not teach a display for setting a transmission or print setting, Examiner disagrees. Selection of a name or telephone number as described in column 42, lines 64-67 would constitute a print or transmission setting. Additionally, Sharma teaches that this selection occurs after a "windowing system application" decides to print and calls the fax driver (Column 42, lines 47-64). Therefore Sharma teaches the added features of claim 21.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 1) Claims 21-25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 5,539,530 by Reifman et al., and further in view of U.S. patent 5,452,289 by Sharma et al.
- 2) Regarding claims 21 and 27, Reifman teaches a first step of setting the print setting in a case where said selecting step selects that the document is to be printed; a second setting step of setting the transmission setting including a destination in a case

where said selecting step selects that the document is to be transmitted; and a transferring step of transferring the image data converted in said converting step, and either the print setting set in said first setting step or the transmission setting set in said second setting step to said image processing apparatus to cause said image processing apparatus to print or transmit the image data (Column 9, line 54 – Column 10, line 10).

Reifman does not specifically teach a data processing method executed by a printer driver in a computer terminal connected to an image processing apparatus, said method comprising: an accepting step of accepting a document from an application program executing in said computer terminal; a displaying step of displaying a setting screen for setting a transmission setting or a print setting by calling the printer driver in accordance with selection of a printing menu of the application program; a selecting step of selecting whether the document accepted in said accepting step is to be transmitted or printed by said image processing apparatus in accordance with the selection of the setting screen displayed in said displaying step; a converting step of converting the document accepted in said accepting step into image data which is printable form.

Sharma teaches a data processing method executed by a printer driver in a computer terminal connected to an image processing apparatus, said method comprising: an accepting step of accepting a document from an application program executing in said computer terminal; a displaying step of displaying a setting screen for setting a transmission setting or a print setting by calling the printer driver in accordance with selection of a printing menu of the application program; a selecting step of selecting

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whether the document accepted in said accepting step is to be transmitted or printed by said image processing apparatus in accordance with the selection of the setting screen displayed in said displaying step (Column 42, lines 47-68; Figures 52 and 55); a converting step of converting the document accepted in said accepting step into image data which is printable form (Figure 1; Column 42, lines 47-68).

Reifman and Sharma are combinable because they are both from the facsimile field of endeavor.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Reifman with Sharma to add a driver and file conversion. The motivation for doing so would have been so that a "print file is then converted and imaged" (Column 42, line 54). Therefore it would have been obvious to combine Reifman and Sharma to obtain the invention as specified in claims 21, 26 and 27.

- 3) Regarding claim 22, Reifman (as modified by Sharma) teaches a data processing method according to claim 21, wherein said selecting step further comprises a selection to save the document accepted in said accepting step (Column 25, lines 30-41).
- 4) Regarding claim 23, Reifman (as modified by Sharma) teaches a data processing method according to claim 22, further comprising a saving step of saving the image data converted in said converting step into a memory of said computer terminal in a case where said save is selected in said selection step (Column 25, lines 30-41).

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- 5) Regarding claim 24, Reifman (as modified by Sharma) teaches a data processing method according to claim 21, wherein said image processing apparatus is a facsimile apparatus, wherein transmission by a facsimile communication is selected in said selecting step, and wherein said transferring step transfers the transmission setting including a facsimile destination to said facsimile apparatus (Column 9, line 54 – Column 10, line 10).
- 6) Regarding claim 25, Reifman (as modified by Sharma) teaches a data processing method according to claim 21, wherein said second setting step includes a setting to attach a cover sheet, and said transferring step transfers the cover sheet and the image data to said image processing apparatus (Column 9, line 54 – Column 10, line 10).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

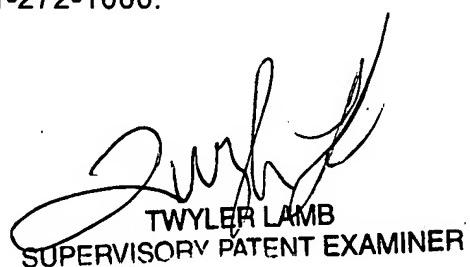
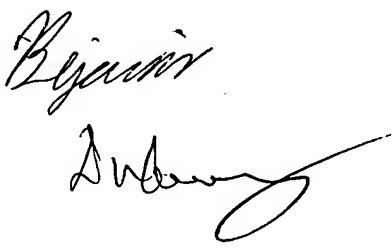
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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin O. Dulaney whose telephone number is (571) 272-2874. The examiner can normally be reached on Monday - Friday (9am - 6pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



TWYLER LAMB
SUPERVISORY PATENT EXAMINER